

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

United States of America

v.

David Clarke

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Case No: 5:10-CR-15-1D

USM No: 51798-056

Date of Original Judgment: September 28, 2010

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Debra Graves

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

Although the defendant has an offense of conviction which involves a drug or chemical, the guideline imprisonment range was determined under USSG § 2S1.1. Therefore, the retroactive drug table amendment does not have the effect of lowering the defendant's guideline imprisonment range.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated September 28, 2010 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 7/9/15



Judge's signature

Effective Date: _____
(if different from order date)

James C. Dever III, Chief U.S. District Judge

Printed name and title